

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SAUL HOROWITZ, as Sellers'  
Representative,

Plaintiff,

v.

NATIONAL GAS & ELECTRIC, LLC and  
SPARK ENERGY, INC.,

Defendants.

Civ. No. 17-CV-7742 (JPO)

**PLAINTIFF'S NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT  
AGAINST NATIONAL GAS & ELECTRIC, LLC AND SPARK ENERGY, INC.**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment against National Gas & Electric, LLC ("NGE") and Spark Energy, Inc. ("Spark"), Plaintiff's Rule 56.1 Statement of Undisputed Facts, and the Declaration of Israel Dahan and exhibits attached thereto, Plaintiff Saul Horowitz, as Sellers' Representative, by and through his undersigned counsel, will move this Court before the Honorable J. Paul Oetken, United States District Judge for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 706, New York, New York 10007, on such date as the Court will determine, for an order, pursuant to Federal Rule of Civil Procedure 56, granting partial summary judgment in favor of Plaintiff with respect to his claim against NGE for breach of a non-assignment provision, as alleged in Count II of the Amended Complaint, and his claim against Spark for tortious interference related to NGE's breach of the non-assignment provision, as alleged in Count IV of the Amended Complaint, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
January 14, 2019

Respectfully submitted,

KING & SPALDING LLP

By: /s/ Israel Dahan

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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 14, 2019, I electronically filed the foregoing Notice of Appearance with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record who have consented to electronic notification.

/s/ Israel Dahan  
Israel Dahan